



Condé Nast’s licensing efforts for the VOGUE trademark and brand, the channels of trade through which Condé Nast promotes, advertises and sells its *Vogue* products and services, the expenditures on advertising and promoting products and services sold under the VOGUE trademark, and the revenues that Condé Nast realizes through its sale of products and services bearing the VOGUE trademark.

## **I. The History of the *Vogue* Brand**

3. *Vogue* initially launched as a weekly newspaper in 1892 and, since then, has been published and circulated continuously as an American monthly fashion and lifestyle magazine, covering topics such as fashion, beauty, culture, and living.

4. In 1916, *Vogue* expanded worldwide with the launch of “British Vogue,” and today Condé Nast publishes (including through licensees) international editions of *Vogue* in the United Kingdom, France, New Zealand, Australia, Italy, Brazil, Germany, Spain, Singapore, South Korea, Japan, Mexico, Portugal, China, and India.

5. *Vogue* is a leader and authority in regards to defining the culture of fashion—not just its print and digital publications, but through videos, events, podcasts, social media engagement, sponsorships, partnerships, membership programs, and e-commerce. In the past several decades, *Vogue* has expanded to cover not only fashion and beauty but also health, entertainment, business, food, politics, travel, technology, music, and the arts.

6. Today, the United States edition of *Vogue* magazine (in print and digital editions) is read by approximately 9.4 million people.

## **II. *Vogue* Magazine’s Distinctive Cover Images**

7. In the early to mid-1900s, Condé Nast maintained its own studio for photographing the models who graced the cover of *Vogue* under the direction of the magazine’s fashion editors. Those models whose images regularly appeared in *Vogue* became known in the trade as “Vogue

models,” and they initially dominated the magazine’s covers. In 2002, however, *Vogue* editors, for the first time in the magazine’s long history, chose to feature more Hollywood actors and actresses on its covers, and, since then, covers have featured various figures from the worlds of entertainment, sports, and popular culture.

8. While *Vogue* has maintained a prestigious reputation for delivering high-quality fashion, culture, and entertainment journalism, its covers are perhaps the most iconic feature of the magazine and the most significant driver of performance across all platforms. For this reason, being featured on a *Vogue* cover is highly coveted and extremely valuable to the figures who are selected.

9. The selection process itself—both for the individual featured on the cover and the artist chosen as the photographer for the cover shoot—is the result of a carefully curated process involving a variety of business and cultural factors, and Condé Nast endeavors to use its influence through the VOGUE trademark and brand to highlight pioneering individuals in popular culture.

10. *Vogue* and its editorial team have featured numerous influential figures, celebrities, athletes, and even politicians on its covers over the years, including Madonna, Lady Gaga, Beyoncé, Michelle Obama, Kamala Harris, Taylor Swift, Serena Williams, and LeBron James, who in 2008 became the first Black male to be featured on the cover of *Vogue*. Copies of these magazine covers are attached to this declaration as **Exhibit 1**.

11. The most recent November 2022 issue of *Vogue* features actor-director-writer, Michaela Coel, and is immediately recognizable due to the stylized “VOGUE” trademark emblazoned across the top of the magazine’s cover. A copy of the November cover is reproduced below and separately attached to this declaration as **Exhibit 2**.



### **III. Condé Nast's Content Distribution Efforts and Audience Engagement**

12. Condé Nast will occasionally partner with high-profile brands to offer *Vogue*-branded products, editorial content, and events, including through collaborations, but it does so carefully and strategically to maintain control over its reputation and brand image.

13. Condé Nast offers a variety of *Vogue*-branded electronic newsletters (*i.e.*, *Vogue Daily*, *The Get*, *Vogue Runway*, *Vogue Beauty*, *Vogue Club*, *Vogue Royals*, *Vogue Weddings*, and *Talking Fashion with Vogue Runway*) covering fashion, celebrity style, product and style recommendations, runway, royal families, weddings, and fashion related news. The newsletter database includes over 880,000 unique subscribers.

14. *Vogue* maintains an active website, [www.vogue.com](http://www.vogue.com), which features the trademark VOGUE as the domain name because it is the most obvious term that the general public and consumers associate with the brand. The website features detailed information about *Vogue* and the goods sold and services offered under the VOGUE mark, as well as *Vogue*-branded editorial content through articles, podcasts, videos, and social media.

15. In 2021, approximately 14.3 million unique visitors, on average, visited *Vogue*'s website. These visitors spent approximately 37.2 million minutes consuming content on the website per month.

16. The *Vogue* YouTube channel has approximately 12.3 million subscribers and its videos have accumulated over 735 million video views in 2021 alone. *Vogue* is the number one fashion publisher on YouTube with respect to subscribers and views.

17. In addition, Condé Nast uses the VOGUE mark on social media, such as Twitter, Facebook, Instagram, and Pinterest. Over nine million people “like” and “follow” Condé Nast's *Vogue* Facebook page; Condé Nast's @voguemagazine Instagram account has over 41 million followers; and its @voguemagazine Twitter account has almost 15 million followers. *Vogue* is also the number one fashion publisher on Instagram with respect to followers and engagement.

18. Although *Vogue*-branded shopping content is mostly consumed by individuals between the ages of 25 and 34, Condé Nast does not target *Vogue* magazine toward any specific age or demographic. Thus, the market for *Vogue* magazine consists of the general public who purchases magazines.

19. Condé Nast sells its *Vogue*-branded publications and content through print publications as well as digital versions available through its website. *Vogue* merchandise bearing

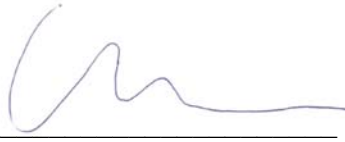
the VOGUE mark is sold through Condé Nast's online e-commerce store on the website shop.vogue.com.

20. Condé Nast *Vogue*-branded goods and services are sold at a variety of price points. *Vogue* magazine, for example, is generally available for sale in print form at \$7.99 per issue.

21. Condé Nast spends tens of millions of dollars each year promoting its business and products featuring the VOGUE Mark, and income stemming from the *Vogue* brand is substantial, with the magazine generating tens to hundreds of millions of dollars annually in gross advertising revenue and gross consumer revenue (which includes digital subscriptions).

I declare under penalties of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 7, 2022

  
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Christiane Mack

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